

Hc-8

7-18

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide children with an option for in-classroom education instruction if the child's local public school does not commit to re-opening to 5-day-a-week, in-classroom instruction for the remainder of the current school year and the 2021-2022 school year.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

AMENDMENT N° 969To p By CruzTo: Amdt. No. 891

Refer _____

Page(s)

GPO: 2020 42-568 (mac)

AMENDMENT intended to be proposed by
MR. CRUZ to the amendment (No.
891) proposed by MR. SCHUMER

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . STATE DIRECT FAMILY GRANT PROGRAM.**
- 3 (a) IN GENERAL.—Notwithstanding any other provi-
- 4 sion of this title, not later than 7 days after the date of
- 5 enactment of this title, each school that is eligible to re-
- 6 ceive grant funding under section 2001 shall submit to
- 7 their respective State Secretary of Education, or equiva-
- 8 lent State official, a plan to re-open and resume regular,
- 9 full-time, 5-day-a-week in-classroom instruction with

1 teachers and faculty physically present for the remainder
2 of the 2020-2021 and for the 2021-2022 school year in
3 such a manner that meets or exceeds the plan for in-class-
4 room instruction that was in effect for that school at the
5 start of the 2019-2020 school year.

6 (b) DIRECT EDUCATION ASSISTANCE FUND.—Each
7 State shall establish a State-controlled Direct Education
8 Assistance Fund. In the event that a school fails to timely
9 submit a re-opening plan in accordance with subsection
10 (a), the State shall withhold all grant funds that would
11 have been provided to such school under section 2001, de-
12 positing such amount into the Direct Education Assist-
13 ance Fund. The State shall administer the Direct Edu-
14 cation Assistance Fund, using the monies deposited there-
15 in, to establish and operate a grant program to assist fam-
16 ilies with educational costs in order to provide students
17 with access to alternative education for the 2021-2022
18 school year. The State Department of Education shall op-
19 erate the grant program as follows:

20 (1) The Department shall establish an applica-
21 tion process that allows parents to apply for an edu-
22 cation grant from the State's Direct Education As-
23 sistance Fund as follows:

24 (A) Awards grants from available funds in
25 a manner that prioritizes children—

1 (i) from schools that have not sub-
2 mitted a re-opening plan as required by
3 this section;

4 (ii) who are special needs students;

5 (iii) who are suffering from depression
6 or a similar condition or at risk of suicide
7 due to COVID-19-related isolation; or

8 (iv) who have a parent (or parents) or
9 guardian (or guardians) who work outside
10 of the home during regular school hours
11 and are not available to assist the child
12 with virtual learning.

13 (B) Includes, as part of the application
14 form, the opportunity for the parent or guard-
15 ian to submit an education plan for the child
16 that—

17 (i) as part of an application for a
18 grant for direct education assistance, in-
19 cludes the proposed school, if any, that the
20 parent or guardian has selected for the
21 child and the cost of any fees associated
22 with the application, enrollment, or attend-
23 ance at such school; or

24 (ii) as part of an application for a
25 grant for supplemental education assist-

1 ance a list of any costs which the parent
2 or guardian anticipates will be incurred to
3 purchase items listed in paragraph (5)(B).

4 (2) The Department shall publicize the avail-
5 ability of direct education assistance to parents
6 across the State with an application period of not
7 less than 45 days and a deadline for applications as
8 of a date not later than July 1, 2021.

9 (3) The Department shall first prioritize eligi-
10 bility for grants awarded from available funds to the
11 parents or guardians of children between the ages of
12 5 and 18 who are eligible to attend a school that
13 failed to timely submit a re-opening plan as de-
14 scribed herein and, if funds remain available in the
15 Direct Education Assistance Fund after each pri-
16 ority student has received a grant, ~~shall~~ the Depart-
17 ment^{shall} make grants from the Fund available to the
18 parent or guardians applying on behalf of students
19 from other elementary and secondary schools in the
20 State.

21 (4) The Department shall only award a grant
22 to an individual who is the legal parent or guardian
23 of an eligible child provided that such individual is
24 also a citizen or national of the United States or an
25 alien (as defined in section 101(a) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1101(a)) who is
2 lawfully present in the United States.

3 (5) The Department will administer the Direct
4 Education Assistance Fund as follows:

5 (A) 75 percent of such Fund shall be set
6 aside and used to award direct education assist-
7 ance grants to finance all or a portion of the
8 educational costs of a child to attend a different
9 school as selected by that child's parent or
10 guardian in an amount not to exceed \$10,000
11 per grant award.

12 (B) 25 percent of such Fund shall be set
13 aside and used to award supplemental edu-
14 cation assistance grants to cover a portion of
15 the costs for education such as tutoring serv-
16 ices, educational classes, or curriculum inside or
17 outside of the home, books, instructional mate-
18 rials, online educational materials, educational
19 therapies, including educational therapies and
20 services for students with disabilities, and such
21 other educational and instructional materials as
22 the child's parent or guardian determines is
23 beneficial in-relation to at-home learning, in-
24 cluding online or virtual schooling or home in-
25 struction.

1 (6) All grants shall be awarded not later than
2 August 15, 2021.

3 (7) The Department shall require that any par-
4 ent or guardian who receives a grant pursuant to
5 this section maintain records of how any grant funds
6 were spent.

7 (8) Grants awarded out of the Fund for direct
8 education assistance shall be distributed in an equi-
9 table manner among recipients for such grants con-
10 sistent with the priorities identified in this section
11 but in an amount not to exceed the educational costs
12 identified within an application and grants awarded
13 out of the Fund for supplemental education assist-
14 ance shall be made in an equitable manner among
15 recipients for such grants in an amount not to ex-
16 ceed the costs identified in such application.

17 (c) PROHIBITION OF CONTROL OVER NON-PUBLIC
18 EDUCATION PROVIDERS.—

19 (1) IN GENERAL.—Nothing in this section shall
20 be construed to permit, allow, encourage, or author-
21 ize any Federal control over any aspect of any pri-
22 vate, religious, or home education provider, whether
23 or not a home education provider is treated as a pri-
24 vate school or home school under State law.

1 (2) NO DISCRIMINATION.—No State shall ex-
2 clude, discriminate against, or otherwise disadvan-
3 tage any education provider, including home edu-
4 cation provider, with respect to programs or services
5 under this section based in whole or in part on the
6 provider’s religious character or affiliation, including
7 religiously based or mission-based policies or prac-
8 tices.

9 (d) PARENTAL RIGHTS TO USE GRANTS.—No State
10 shall disfavor or discourage the use of qualifying grants
11 for the purchase of elementary and secondary education
12 services, including those services provided by private or
13 nonprofit entities, such as faith-based providers.

14 (e) REPAYMENT.—If a school does not re-open and
15 maintain operations consistent with the plan submitted
16 under this section, the school shall be required to repay
17 all monies received under section 2001 to the State.

18 (f) RETURN TO TREASURY.—Any monies remaining
19 in the Fund as of September 30, 2021, or if subsequently
20 repaid under subsection (e), shall be repaid to the United
21 States Treasury not later than June 30, 2022.

22 At the end of section 2001(c), add the following: “An
23 allocation to a State shall be made pursuant to the pre-
24 vious sentence only if the State has publicly published, by

*7 days after*⁸*enactment of this Act*
1 not later than ~~May 31, 2021~~, a written plan that guaran-
2 tees each child in the State has a local public school edu-
3 cation option to resume regular, 5-day-a-week in-class-
4 room instruction with teachers physically present and that
5 identifies by name and location which schools will be avail-
6 able for regular in-classroom instruction. Assistance from
7 a grant awarded to a State under this section shall only
8 be provided to a school identified by the State under the
9 previous sentence.”.